

REMARKS

In the office action dated May 29, 2008, the examiner objected to claim 15 for a typographical error, and rejected claims 1-35 under 35 U.S.C. 103(a) as being unpatentable over Thomas (USPN 7,134,130), in view of Johnson (Pub No US 2004/0078806). Applicant has amended claim 15 to overcome the examiner's objection and respectfully traverses the claim rejections. In view of the foregoing amendment and subsequent remarks, Applicant requests reconsideration and withdrawal of the examiner's rejections.

With respect to claims 1 and 22, Applicant respectfully submits that the office action fails to set forth a prima facie case of invalidity in light of Applicant's previous claim amendments and remarks. Specifically, the examiner does not take into account the term "reference time" as shown below:

...a second logic unit coupled to the first logic unit and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles;

as previously amended in claim 1 (emphasis added).

... a logic unit coupled to the viewer monitoring system and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles;

as previously amended in claim 22 (emphasis added).

Thus, the office action fails to show how the cited combination of references discloses all of the elements of the claims and Applicant hereby incorporates and reiterates the remarks of the previous response in full.

Moreover, as indicated by the examiner:

i) Thomas fails to disclose a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers wherein the plurality of viewing profiles including content-based specifications and wherein one or more of the plurality of viewing profiles including two or more time range specification and different content-based specification corresponding to each of the two or more time range specifications (claim 1);

ii) Thomas fails to disclose that the viewer specification including one or more content-based specifications associated with one or more time range specifications and comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator (claim 15); and

iii) Thomas fails to disclose that the plurality of viewing profiles include time range specifications and different content-based specification corresponding to each of the time range specifications (claim 22).

Johnson does not provide a teaching to fill the deficiency of Thomas. As paragraphs [0016], [0029], [0082] and Figures 5, 6 make clear, Johnson discloses storing a user profile with discrete personal settings associated with that profile (e.g., “maximum numbers of viewable hours for weekends and weekdays”) and making the settings available for display in summary form. It does not teach or suggest “different content-based specifications corresponding to each of the two or more time range specification.” As illustrated in Figure 6 of Thomas, the “viewing

hours” are listed separately from the “rating limit.” Furthermore, the portions of Johnson cited by the examiner make no reference to control or monitoring based on ratings combined with time. Nor do they support the examiner’s assertion that “even when the user is allow[ed] to watch content, [the user] still [has] to obey [the] assigned rating limit.”

More particularly, Thomas and Johnson, whether individually or in combination, fail to teach or suggest:

... a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications;

a second logic unit ... configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles

as claimed in previously amended claim 1;

selecting...the viewer specification including one or more content-based specifications associated with one or more time range specifications;

comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator

as claimed in previously amended claim 15; and

... a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include time range specifications and different content-based specifications corresponding to each of the time range specifications;

a logic unit ... configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles

as claimed in previously amended claim 22.

In view of the foregoing, Applicants respectfully submit that Thomas and Johnson do not meet or suggest all of the limitations of claims 1, 15 and 22 and, thus, cannot anticipate nor establish a prima facie case of obviousness. Accordingly, claims 1, 15 and 22, and claims 2—14, 16—21, and 23-35 by virtue of their dependence upon 1, 15 and 22, meet the requirements for patentability under 35 USC 102 and 103.

CONCLUSION

Applicants respectfully assert the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: August 29, 2008

By: /Benjamin S. Lin/  
Benjamin S. Lin  
Reg. No. 58,858

4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710  
OHS West:260499923.1  
705397-4005 BSL/BSL